

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

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THE DISCO BISCUITS

Plaintiff,

Docket No. 07 CV 5909  
Hon. Naomi Reice Buchwald

vs.

**AFFIDAVIT OF MICHAEL D.  
RITIGSTEIN, IN SUPPORT OF MOTION  
TO WITHDRAW AS COUNSEL**

SUNSET RECORDS GROUP, INC., DON  
LICHTERMAN, JOHN DOE 1 and JOHN DOE 2

Defendants.  
-----X

State of New Jersey }  
County of Camden } ss.:

I, Michael D. Ritigstein, being duly sworn, deposes and say:

1. I am an attorney duly admitted to practice in this Court, the current attorney of record for defendants, Sunset Holdings, LLC (improperly captioned "Sunset Records Group, Inc.") and Don Lichterman, in the above-captioned action.

2. The claims in this matter are based upon copyright infringement and breach of contract arising from the alleged sale of plaintiff's sound recordings ("transaction").

3. On September 17, 2007, an initial case management conference was held before Judge Buchwald at which time she instructed plaintiff's to propound discovery requests upon defendants.

4. Discovery was answered by defendants in a timely manner.

5. Thereafter, a settlement conference was ordered between the parties and was scheduled on January 11, 2008.

6. After the settlement conference counsel and defendant, Don Lichterman, discussed the management and direction of the litigation.

7. During the discussions, Defendant and counsel realized that they have irreconcilable differences over issues arising out of the management and direction of the litigation.

8. As a result of those discussions, defendant and counsel agreed that they would not further work together on this matter and Michael Ritigstein was discharged as counsel as pursuant to an e-mail dated January 14, 2008. See Exhibit "A."

9. As per Model Rules of Professional Conduct Rule 1.16(a)(3)(c) states, "*... a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if the lawyer is discharged.*"

10. A trial date is currently not scheduled and the discovery phase of litigation began on January 15, 2008. Therefore, defendants will not be prejudiced as a result of my withdrawal.

WHEREFORE, it is respectfully requested that the Court grant the within application to relieve Michael D. Ritigstein, Esquire as counsel for defendants, Sunset Holdings, LLC (improperly captioned "Sunset Records Group, Inc.") and Don Lichterman.

I hereby certify that the above statements are true and correct to the best of my knowledge, information and belief. I am aware that if any of the above statements are willfully false I am subject to punishment.

  
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MICHAEL D. RITIGSTEIN

Sworn to before me this

21<sup>ST</sup> day of January, 2008.

  
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NOTARY PUBLIC

KATHLEEN M. MALLON  
NOTARY PUBLIC OF NEW JERSEY  
MY COMMISSION EXPIRES 10/8/2011